

ABC, Inc.

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AUG 17 1998

August 17, 1998

Hand Deliver

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Dear Ms. Salas:

On behalf of ABC, Inc., transmitted herewith for filing with the Commission are an original and six copies of its Comments in MM Docket No. 98-98.

If there are any questions in connection with the foregoing, please contact the undersigned.

Very truly yours,

Sam Antar

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Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

AUG 17 1998

In the Matter of

1998 Biennial Regulatory Review --  
Amendment of Part 73 and Part 74  
Relating to Call Sign Assignments for  
Broadcast Stations

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MM Docket No. 98-98

COMMENTS OF ABC, INC.

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August 17, 1998

## Table of Contents

Introduction and Summary .....	1
I. The On-Line System Should Include a Geographic Filter, Automatically Determining Whether An Applicant Should Receive a Call Sign Beginning with "K" or "W".....	3
II. Four-Letter Call Signs Should Be Available to Low Power TV Stations When A License Application Is Filed, Not Before .....	4
III. The Commission Should Update its Existing Database to Correct Errors and Create a Timetable Within Which it Will Process New Relevant Information into its Databases .....	6
IV. The On-Line Assignment System Should Be Permissive For At Least a One or Two Year Phase-In Period.....	7
Conclusion .....	8

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To: The Commission

COMMENTS OF ABC, INC.

ABC, Inc. ("ABC") hereby submits its Comments in response to the Commission's request for comments to its proposed modification of the practices and procedures set forth in 47 C.F.R. §§ 73.3550 and 74.783, regarding call sign assignments for broadcast radio and television stations.<sup>1</sup> The Commission has proposed replacing its existing procedures with an on-line system for the electronic preparation and submission of requests for the reservation and authorization of new and modified call signs.

INTRODUCTION AND SUMMARY

ABC supports the Commission's overall proposal because, as the Commission states in its Notice, the "adoption and implementation of the on-line system . . . will enhance the speed

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<sup>1</sup> See Notice of Proposed Rulemaking, MM Docket No. 98-98, Report No. FCC 98-130 (released June 30, 1998) (hereinafter referred to as "Notice" or "NPRM")

and certitude of radio and television broadcast station call sign assignments, thereby providing better service to all broadcast licenses and permittees.” (NPRM ¶ 1)

However, to avoid errors, delays and possible prejudice, ABC respectfully requests that the Commission modify certain proposed procedures. First, the Commission should implement an on-line geographic filter that will immediately identify whether a call sign applicant is located east or west of the Mississippi River. In paragraph 8 of the Notice, the Commission proposes rescinding an assignment once an error is identified by the Commission. If, as ABC proposes, an automated geographic filter is implemented, the Commission will not have the burden of identifying errors manually. Instead, the computer program will filter applicants based on state of residence or zip code.

Second, ABC requests that low power TV stations (“LPTVs”) be permitted to obtain a four-letter call sign only once a license application is filed with the Commission, not when a construction permit is issued as proposed in the Notice at paragraph 9. The Commission’s proposal would enable too many prospective LPTVs to take scarce four-letter call signs out of circulation when the stations may well never be built.

Third, ABC supports the Commission’s “security check” procedure, whereby postcards acknowledging reservation of the requested call sign will be sent to both the affected licensee and to the person making the call sign change request. (NPRM ¶¶ 15(4), 18(3) and 24(4)) However, ABC requests that the Commission update its existing database to correct errors and create a timetable within which it will process new relevant information into its databases.

Finally, ABC would urge the Commission to make the on-line system permissive rather than mandatory for a phase-in period of at least one or two years so that all members of the industry have reasonable time to install adequate on-line systems and train their representatives on the new call sign assignment system. The Commission may thereafter wish to consider making the system mandatory based on experience gained during the phase-in period.

### ARGUMENT

I. The On-Line System Should Include a Geographic Filter, Automatically Determining Whether An Applicant Should Receive a Call Sign Beginning with "K" or "W"

In paragraph 8 of the Notice, the Commission has reaffirmed that call signs beginning with the letter "K" will not be assigned via the electronic system to stations located east of the Mississippi River, and call signs beginning with the letter "W" will not be assigned to stations located west of the Mississippi River. However, the Commission states in the Notice that "the on-line system will not prevent a user from requesting and reserving a call sign in violation of this geographic rule." NPRM ¶ 8 Instead, the Commission proposes rescinding any call sign assignment violating the rule.

ABC proposes that the on-line software be written to identify each applicant by its state of residence or by its zip code. This would permit assignment of call signs beginning with the letter "K" only to stations from states or zip codes west of the Mississippi River and "W" east of the Mississippi. This system is preferable both for the Commission and for users of the on-line system. As proposed, the new procedures would unduly burden the Commission by forcing it to manually review each application and determine if the proper call sign was assigned. This proposal would defeat the efficiencies gained by the on-line system. Such a system would also

tie-up call signs erroneously assigned, forcing other applicants to select another, less preferable sign, only later to learn that the original call sign was available. In addition, broadcasters who had erroneously received a call sign may, by the time the Commission seeks to rescind, have already invested time and money into promoting the call sign without recognizing its mistake.

An automated and immediate geographic filter would place the burden on applicants. If, for example, the applicant is in a border state such as Louisiana and believes that the geographic filter has precluded a valid call sign request, such applicant may contact the Commission. Similarly, waiver of the geographic rule will continue to be considered on a case-by-case basis by applicants contacting the call sign desk directly. (NPRM ¶ 8)

Thus, the Commission should install an automated geographic filter in the on-line call sign assignment system to avoid errors, delays and possible prejudice.

## II. Call Signs Should Be Available to Low Power TV Stations When A License Application Is Filed, Not Before

The Commission proposes treating LPTVs the same as broadcast TV stations by eliminating the existing requirement that holders of low power TV construction permits, who request four-letter call signs, submit with their requests a certification that the station has been constructed, that physical construction is underway at the transmitter site, or that a firm equipment order has been placed. (NPRM ¶ 9) The rationale provided by the Commission for treating LPTVs the same as broadcast TV permittees is that the on-line system will now easily handle a far greater volume of call sign requests than the Commission could previously handle using its limited personnel and the manual system. (NPRM ¶ 9)

The Commission's rationale, however, does not take into account the inevitable drain of available four-letter call signs its proposed rule would create. As the Commission acknowledges, the volume of low power TV requests for call signs is far greater than for broadcast TV stations; that is why LPTVs must now show that at least a firm equipment order has been placed. See 47 C.F.R. § 74.783(e). Even under the current system, where LPTVs are required to show more than just a construction permit, a vast number of call signs are already taken out of circulation only to be held by the low power companies for years when the station may well never be built. The Commission cancels many more low power TV construction permits than broadcast construction permits. Indeed, the July 30, 1998 Public Notice alone indicates that eleven LPTV construction permits were canceled and call signs deleted. There were zero broadcast TV permits canceled or call signs deleted according to that Public Notice.<sup>2</sup> On information and belief, hundreds of LPTV call signs are deleted in an average year, while almost no cancellations occur for broadcast TV stations. Deletions of call sign assignments may occur many years after they were first assigned due to numerous extensions in the construction permit obtained by the LPTV call sign holder.

The Commission now proposes to make it even easier for low power TV companies to obtain a four-letter call sign. Given the limitation of possible call sign combinations, ABC objects to this proposal. ABC believes that four-letter call signs should not be assigned to low power TV stations until the license application is filed. Such a rule would ensure that the call sign would be put to use rather than taken out of circulation by a station that may never be built.

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<sup>2</sup> Public Notice, Report No. 24294, appended hereto as Attachment 1.



There is no overriding public policy reason to treat low power TV companies equally to broadcasters for call sign purposes. The costs involved with obtaining a construction permit by broadcasters is far greater than the costs to low power companies. As a result, once a broadcaster has obtained a construction permit there is a great likelihood that the call sign will be put to use. With the high degree of cancellations of low power TV stations even after a firm equipment order has been placed, there is no reason to allow four-letter call signs at the construction permit stage.

The Commission's proposed rule would cause a significant reduction in available call signs. This would artificially decrease the selection of call signs for permittees who will actually go on the air. The Commission's proposal should not be implemented and, instead, LPTVs should be required to wait for the filing of their license applications before seeking a four-letter call sign.

III. The Commission Should Update its Existing Database to Correct Errors and Create a Timetable Within Which it Will Process New Relevant Information into its Databases

ABC supports the Commission's "security check" procedure, whereby postcards acknowledging reservation of the requested call sign will be sent to both the affected licensee and to the person making the call sign change request. (NPRM ¶¶ 15(4), 18(3) and 24(4)) However, ABC requests that the Commission update its existing database to correct errors. The Commission should also create a timetable within which it will process new relevant information into its databases so that when new information is submitted timely changes are made. Otherwise, the security check will be ineffective because notice will be sent to the wrong addressee.

Furthermore, in paragraph 17 of the Notice, the Commission states that call signs will only be assigned to applicants with construction permit file numbers. The Notice states, "[i]f a user submits an incorrect construction permit file number, the system will respond with a message indicating that the FCC database does not contain the specified file number." NPRM ¶ 17. ABC proposes that the FCC set a particular number of days after the grant of a construction permit for broadcasters (and license applications for LPTVs) that it will take for the Commission to input the relevant file information. ABC's concern is that a party may have a valid construction permit but the Commission may not input that number in the system, which would preclude the user from obtaining a call sign.

IV. The On-Line Assignment System Should Be Permissive For At Least a One or Two Year Phase-In Period

ABC believes that the new on-line system should be permissive for a one or two year phase-in period for two reasons. First, we believe it is premature to assume that at the present time broadcasters in general have ready access to and sufficient experience with the Internet to avoid the disruptions that may be caused by a mandatory system. Second, we believe that a phase-in period will allow time to correct possible glitches in the proposed system and to make changes to enhance its efficient operation. The Commission may thereafter wish to consider making the system mandatory based on experience gained during the phase-in period.

CONCLUSION

ABC supports the Commission's proposed on-line call sign assignment system with the following modifications: (1) a geographic filter should be implemented, (2) low power TV stations should be allowed to apply for call signs only once their license application is filed, (3) for the proposed security check to be effective, the Commission databases must be updated regularly and thoroughly, and (4) the system should be permissive for a phase-in period of at least one or two years.

Respectfully submitted,

By: 

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